

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF OHIO**  
**EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

*All actions*

**MDL No. 2804**

**Case No. 17-md-2804**

**Judge Dan Aaron Polster**

**[PROPOSED] ORDER GRANTING PEC AND TLC MOTION TO CONFIRM FEE PANEL**  
**DETERMINATION OF COMMON BENEFIT AWARDS FOR TRIBAL WORK**  
**CONCURRENTLY AND IN CONJUNCTION WITH OTHER COMMON BENEFIT WORK**

Having reviewed the motion and papers, and good cause appearing therefore, the Court finds as follows:

1. Special Master Cohen oversees seven global Tribal Settlement Agreements with nine separate defendants. Special Master Cohen has held back from the settlement funds of each such global Tribal Settlement Agreement a 7.5% common benefit assessment, in order to fulfill the Court's Ongoing Common Benefit Order (docket no. 4428).
2. The Fee Panel is in the process of determining Common Benefit Fee Awards from the common benefit funds created pursuant to seven global Subdivision Settlement Agreements with the same nine defendants. These Common Benefit Funds are held in the First Opiate Settling Defendants Fee Trust Fund. Tribal counsel were permitted to apply for Awards from those Funds for all work done in pursuit of the seven global Tribal Settlement Agreements and/or the seven global Subdivision Settlement Agreements.
3. It is necessary and appropriate for the Fee Panel to allocate the 7.5% common benefit assessments held back from the seven global *Tribal* Settlement Agreements in conjunction

with the Fee Panel's allocation of the common benefit funds created pursuant to the seven global *Subdivision* Settlement Agreements.

4. Accordingly, Special Master Cohen shall direct the 7.5% common benefit assessments from the seven global Tribal Settlement Agreements directly to the First Opiate Settling Defendants Fee Trust Fund, instead of the Court's Common Benefit Fund. The Fee Panel shall then allocate and distribute the Tribal common benefit contributions to the First Opiate Settling Defendants Fee Trust Fund at the same time as it allocates and distributes the Subdivision common benefit contributions to the First Opiate Settling Defendants Fee Trust Fund; and the Fee Panel shall pay the common benefit law firms that performed work that benefited the Tribal Nations at the same time and, in conjunction with, all other common benefit attorneys. This shall fulfill the obligation of Tribal counsel to make common benefit payments, and fulfill their right to receive common benefit awards, associated with the seven global Tribal Settlement Agreements. All prior application deadlines continue to apply to all counsel.

**IT IS SO ORDERED.**

Dated: January \_\_\_\_, 2024

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District Judge Dan Aaron Polster